

LITTLER MENDELSON, P.C.

885 Third Avenue, 16th Floor
New York, New York 10022-4834
212.583.9600

Counsel for Defendant
ECOLAB INC.

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

CIVIL ACTION NO. 07-8623 (DLC)

MICHAEL CLARK, DAVID STARKMAN,
FRANCO DESIMONE, and JOHN DINISI,
individually and on behalf of all other similarly
situated employees,

Plaintiffs,

v.

ECOLAB, INC.,

Defendant.

**DECLARATION OF ANDREW J. VOSS IN SUPPORT OF DEFENDANT'S REPLY
BRIEF IN SUPPORT OF ITS MOTION
TO TRANSFER VENUE AND CONSOLIDATE CERTAIN PLAINTIFFS
WITH FIRST-FILED ACTION**

I, ANDREW J. VOSS, declare the following:

1. I am an attorney with the law firm of Littler Mendelson, P.C., counsel for Defendant Ecolab Inc. in the above-entitled action. I make this declaration based on my own personal knowledge.

2. Attached hereto for the Court's convenience as Exhibit A is the Declaration of Nancy Hayes.

3. Attached hereto as Exhibit B is a true and correct copy of *Quan v. Computer Sciences Corp.*, Case No. 06-3927, 2008 U.S. Dist. LEXIS 1360 (E.D.N.Y., Jan. 8, 2008).

4. Attached hereto as Exhibit C is a true and correct copy of *Black Diamond Sportswear, Ltd. v. Black Diamond Equipment, Inc.*, 2004 U.S. Dist. LEXIS 1328 (D. Vt. 2004).

5. Attached hereto as Exhibit D is a true and correct copy of *Regents of the University of California v. Howmedica, Inc.*, 1976 U.S. Dist. LEXIS 16289 (D. Md. 1976).

6. Attached hereto as Exhibit E is a true and correct copy of *Montgomery v. TAP Enterprises, Inc.*, Case No. 06-5799, 2007 U.S. Dist. LEXIS 12702 (S.D.N.Y. February 26, 2007).

I declare under penalty of perjury that the foregoing is true and correct.

/s/ Andrew J. Voss

Andrew J. Voss

Dated: January 28, 2008

CERTIFICATE OF SERVICE

I hereby certify that on the 28th day of January 2008, I electronically filed the foregoing with the Clerk of the Court by using the CM/ECF system which will send a notice of electronic filing to the CM/ECF participants identified below.

Adam T. Klein (atk@outtengolden.com)

Dan Charles Getman (dgetman@getmanlaw.com)

Jack A. Raisner (jar@outtengolden.com)

Justin Mitchell Swartz (jms@outtengolden.com)

Matthew Thomas Dunn (mdunn@getmanlaw.com)

Michael J.D. Sweeney (msweeney@getmanlaw.com)

Tara Margo Bernstein (tbernstein@getmanlaw.com)

Rachel Megan Bien (rmb@outtengolden.com)

/s/ David M. Wirtz

David M. Wirtz

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